

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

DEBRA HATTEN-GONZALES, et al.,

Plaintiffs,

v.

No. CIV 88-385 KG/KBM
Consolidated with
No. CIV 88-786 KG/KBM

DAVID R. SCRASE, Secretary of the
New Mexico Human Services Department,
Defendant.

AMENDED ORDER

On November 21, 2019, the Court held a status conference in this matter.¹ Daniel Yohalem, Sovereign Hager, Teague Gonzalez, and Timothy Davis represented Plaintiffs. Paul Ritzma represented Defendant Secretary of the New Mexico Human Services Department (HSD), David R. Scrase, who was present. HSD Deputy Cabinet Secretary Angela Medrano; HSD Income Support Division Director, Karmela Martinez; and HSD paralegal, Daniel Jacobs, were also present. In addition, the court-appointed Special Master, Lawrence Parker, and the Compliance Officer, Ramona McKissic, were present.

Having heard from counsel, Secretary Scrase, the Special Master, and the Compliance Officer, the Court ORDERS that:

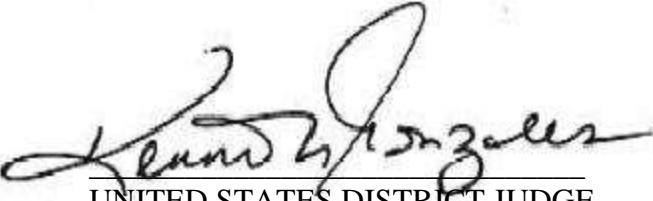
1. until further order of the Court, the parties must meet and confer no later than the 20th day of each month to discuss Secretary Scrase's compliance with the Second Revised Modified Settlement Agreement and Order (Doc. 854) and the Two Corrective Action Plans (CAP) (Doc. 878), and to work in good faith to resolve any non-compliance issues;

¹ The Court sealed the end of the status conference to address a matter not material to the status conference.

2. until further order of the Court, the parties must file a Joint Status Report no later than the last day of the month;
3. the Special Master's Office will determine whether and to what extent to validate Secretary Scrase's CAP solutions on an ongoing basis;
4. Secretary Scrase will provide data that the Special Master requests to both the Special Master and Plaintiffs as soon as reasonably practicable;²
5. to the extent Plaintiffs seek data from Secretary Scrase, Plaintiffs will first present their request for data to the Special Master who will determine whether the requested data is material to this lawsuit; if the request for data is appropriate, the Special Master will forward the request for data to Secretary Scrase; Secretary Scrase will respond to the request for data to both the Special Master and Plaintiffs as soon as reasonably practicable; and Secretary Scrase will make that data available to both Plaintiffs and the Special Master as soon as reasonably practicable;³
6. Secretary Scrase has the right to require that counsel be present when Plaintiffs' counsel meets with any of the three HSD subject matter experts; and
7. The parties are reminded to refer to the deadlines in the Two Corrective Action Plans (Doc. 878) which were approved by the Court on 7/12/2019.

² See Order Appointing Special Master (Doc. 751), Section II(E) (stating that “[t]he HSD Secretary and all other HSD employees shall cooperate fully with the special master and assist the special master in completing her or his duties”), Section II(F) (stating that “[t]he HSD Secretary shall ensure that the special master is provided all information and data, access to all HSD offices and employees, access to case files, access to the ASPEN system and all HSD contractors working on the ASPEN system, and such other access or assistance as the special master determines may be necessary to perform the duties set forth in this Order”).

³ See Order Appointing Special Master (Doc. 751), Section II(G) (stating that “[t]he special master will ensure that Plaintiffs' counsel are supplied with up-to-date data and other information necessary to allow them to track the status of compliance by HSD”).



Leland W. Jones
UNITED STATES DISTRICT JUDGE